

REMARKS

Claims 1 to 9, 11 to 15 and 17 to 24 remain in this application.

The description has been amended to provide a brief description of each of Figs. 10, 11 and 12 (new). Further, it is requested that the Request for a Drawing Correction filed on May 23, 2003 be amended to request that the new Fig. be labeled as Fig. 12. On approval, a new drawing will be obtained and submitted.

Reconsideration of the rejection of the claims is requested.

In a first Office Action dated August 29, 2002, all the original claims were rejected. These rejections were subsequently withdrawn.

In a second Office Action dated May 12, 2003, all of the original claims were rejected on new grounds and new references. These rejections were subsequently withdrawn.

In a third Office Action dated August 14, 2003, all of the original claims were again rejected on new grounds and newly cited art. These rejections were subsequently withdrawn after incorporation of the subject matter of previously rejected dependent claims into the main claims.

In a fourth Office Action dated December 31, 2003, all of the claims, but claim 18, were rejected on new grounds on previously cited references and including a repeat of a rejection from the Office Action of May 12, 2003. These rejections have now been withdrawn without amendment of the claims.

Now in a fifth Office Action dated March 22, 2004, all of the claims, but for claims 14 and 18, have been rejected on new grounds on a reference cited in the first Office Action.

Since this is a fifth Office Action rejecting claims over art that was cited in the first Office Action, it is requested that this application be made SPECIAL.

Claims 1, 3 and 4 have been rejected as being anticipated by Small (U.S. Pat. 2,863,466). Initially, it is to be noted that Small is directed to a tilt mechanism of similar nature to that as described in each of Schmidt, Chuang and Lin (previously relied on for a rejection of the claims).

The Examiner incorrectly alleges that Small shows a tilt mechanism comprising a first tubular member 28 and a second tubular member (45 and 35) as well as a catch 44 mounted in one of the members and *projecting into the other of the members*. Issue is taken in this respect.

As can be seen in Figs. 2 and 3 of Small, the lower member (45) is not tubular but a solid member that is bifurcated with two legs 51, 52 that receive a tongue 50 of the upper solid member 44.

Further, the tongue 50 of Small does not project into a tubular member but, instead, is disposed between the parallel legs 51, 52 of the lower member 45. In this respect, Small is of similar structure to each of Schmidt, Chuang and Lin. Reference is made to Figs. 2 and 3 of Applicant's drawings wherein the catch 40 projects from the upper tubular member into the lower tubular member 34. This lower tubular member 34 is not bifurcated.

For the above reasons, a rejection of claim 1 as being anticipated by Small is not warranted pursuant to the provisions of 35 U.S.C. 102.

Claim 1 further requires the catch to have "a plurality of recesses" as well as "a pin mounted in the other of said tubular members transversely of and in one of said recesses of said catch". Further, claim 1 requires that at least one of the pin and catch be movable "coaxially relative to each other to release said pin" Small does not describe or teach such a structure. Instead, as described at column 3, lines 11-40, a transversely slidable latch 70 is provided with a locking member 72 to engage within one of three radially extending grooves 60, 61, 62 in the tongue 50 so as to lock the parts against rotation. This transversely slidable latch 70 moves *perpendicularly* to the axis of the tubular members and is not moved "coaxially" relative to the tongue 50. For this additional reason, a rejection of claim 1 as being anticipated by Small is not warranted pursuant to the provisions of 35 U.S.C. 102.

Claim 4 depends from claim 1 and further requires "a coil spring abutting said pin and a plate secured in said other of said tubular members and abutting said coil spring." Small is void of any such structure. In this regard, note that the spring 75 of Small located between a push-button 74 connected to the latch 70 and a counter-bore 69 in the lower member. There is no plate as claimed. Accordingly, claim 4 is believed to be further allowable over Small pursuant to the provisions of 35 U.S.C. 102.

Claim 5 has been rejected as being anticipated by Small. Issue is taken in this respect.

Claim 5 requires "a first tubular member..." and "a second tubular member...". As noted above the members of Small are solid members. Claim 5 also requires "a catch mounted in one of said members and projecting into the other of said members." For reasons as expressed above with respect to claim 1, Small is void of any such structure or teaching. Accordingly, a rejection of claim 5 as being anticipated by Small is not warranted pursuant to the provisions of 35 U.S.C. 102.

Claim 6 depends from claim 5 and further requires the catch to be "spaced concentrically from said second tubular member with said tubular members in alignment" and to be "in abutment with said second tubular member in a terminal tilted position of said tubular members...." Small is void of any such structure. Specifically, as can be seen in Fig. 3 of Small, the tongue 50 is not spaced concentrically from the lower member 45 nor is the tongue 50 in abutment with the lower member 45 in the tilted position of Fig. 7. For these additional reasons, a rejection of claim 6 as being anticipated by Small is not warranted pursuant to the provisions of 35 U.S.C. 102.

Claim 7 depends from claim 6 and further requires the tubular members to have "contoured interfitting end surfaces to define a smooth, cylindrical contour therebetween...." This relationship can be particularly seen in Figs. 2 and 3 of Applicant's drawings. This relationship is not shown or described in Small. Note that the lower solid member 45 of Small is bifurcated and not tubular. Further, the upper solid member 44 of Small has a depending tongue 50 and is not tubular.

For these additional reasons, a rejection of claim 7 as being anticipated by Small is not warranted pursuant to the provisions of 35 U.S.C. 102.

Claim 8 depends from claim 5 and further requires the tubular members to have "a pair of oppositely disposed elonged slots" and that the pin "projects through said slots for grasping thereof." Clearly, Small is void of any such structure or teaching. Specifically, Small relies upon a push button 74 located to one side of the structure. For this additional reason, a rejection of claim 8 is not warranted pursuant to the provisions of 35 U.S.C. 102.

Note is made of the Examiner's observation that the lower tubular member 45 of Small has a pair of oppositely disposed elongated slots and that a pin [slidable latch 70?] projects through the slots. The Examiner further alleges that, when pushed, the pin [70?] is graspable on one side and, when pushed, the pin is graspable on the other side. Insofar as this is understood, issue is taken. As can be seen in Fig. 10 of Small, a push button 74 is to be depressed in order to move the latch 70 from left to right. This is clear from Fig. 10 that the latch 70 does not project from both sides of the member 45. In contrast, please see Fig. 2 of Applicant's drawings.

Claims 9 to 13 have been rejected as being anticipated by Small.

Claim 9 requires "a first tubular member ... a second tubular member" As noted above, in Small, the lower member 45 is solid and bifurcated and the upper member 44 is solid and has a dependent tongue 50. Neither is a tubular member.

Further, claim 9 requires "a catch fixably mounted in one of said members ... and having a stem projecting into and pivotally secured to the other of said members...." In Small, the tongue 50 is integral with the solid member 44. Accordingly, a rejection of claim 9 as being anticipated by Small is not warranted pursuant to the provisions of 35 U.S.C. 102.

Claim 9 further requires "a pin mounted ... transversely ... at least one of said pin and said catch being movable coaxially relative to each other to release said pin...." As noted above, the latch 70 of Small is slidable transversely relative to the tongue 50 and is not movable coaxially relative to the tongue 50. For this additional reason, a rejection of claim 9 as being anticipated by Small is not warranted pursuant to the provisions of 35 U.S.C. 102.

Claim 12 depends from claim 11 and contains recitations similar to claim 1. Accordingly, for reasons as expressed above with respect to claim 4, a rejection of claim 12 as being anticipated by Small is not warranted pursuant to the provisions of 35 U.S.C. 102.

Claims 15, 17-20 and 22-24 have been rejected as being anticipated by Small. Issue is taken in this respect.

Claim 15 are as "a first tubular member ... a second tubular member" As noted above with respect to claim 9, Small is void of any such structure.

Claim 15 further requires "a catch fixably mounted in said first member ... and having a st m projecting into said second member" For reasons as expressed above, particularly with respect to claim 1, a rejection of claim 15 as being anticipated by Small is not warranted pursuant to the provisions of 35 U.S.C. 102.

Claim 15 further requires "spring means coaxially mounted in said second tubular member for biasing said pin towards said catch...." As can be seen in Fig. 10 of Small, the spring 75 is not coaxially mounted in the member 45. Accordingly, for this additional reason, a rejection of claim 15 as being anticipated by Small is not warranted pursuant to the provisions of 35 U.S.C. 102.

Claim 17 depends from claim 15 and contains recitations similar to claims 4 and 12 and is believed to be allowable for similar reasons.

Claim 20 depends from claim 15 and further requires the first member to have a bore and an upper end to receive an upper wood section of a pole. Small is void of any such structure. For example, as shown in Fig. 2, the upper member 44 has a solid section 46 to fit within an upper pole member 28. Further, claim 20 requires the second member to have a bore at a lower end to receive a lower wood section. As can be seen in Fig. 2 of Small, the lower member 45 is a solid section that is received within a pole member 35. For these additional reasons, a rejection of claim 20 as being anticipated by Small is not warranted pursuant to the provisions of 35 U.S.C. 102.

Claim 21 depends from claim 15 and is believed to be allowable for similar reasons.

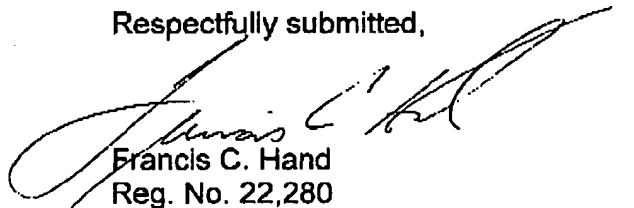
Claim 22 depends from claim 15 and contains recitations similar to claim 6. Accordingly, for reasons as expressed above with respect to claim 6, a rejection of claim 22 as being anticipated by Small is not warranted pursuant to the provisions of 35 U.S.C. 102.

Claim 23 contains recitations similar to claim 7 and is believed to be allowable for similar reasons as expressed above with respect to claim 7.

Claim 24 contains recitations similar to claim 8 and is believed to be allowable for similar reasons as expressed above with respect to claim 8.

The Application is believed to be in condition for allowance, and such is respectfully requested.

Respectfully submitted,



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